

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s): Robert MARTUZA *et al.*Title: **REPLICATION-COMPETENT HERPES SIMPLEX VIRUS  
MEDIATES DESTRUCTION OF NEOPLASTIC CELLS**

Appl. No.: 10/788,410

Filing Date: 3/1/2004

Examiner: SHEN, Wu Cheng Winston

Art Unit: 1632

Conf. No.: 4953

**APPEAL BRIEF TRANSMITTAL**

Mail Stop Appeal Brief - Patents  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Appeal Brief in the above-identified application.

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$130.00	\$130.00
[ X ] Extension for response filed within the second month:	\$490.00	\$490.00
[ ] Extension for response filed within the third month:	\$1,110.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,730.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,350.00	\$0.00
EXTENSION FEE TOTAL:		\$490.00
[ X ] Appeal Brief Under 37 C.F.R. § 41.20(b)(2):	\$540.00	\$540.00
EXTENSION AND DISCLAIMER FEE TOTAL:		\$1,030.00
[ ] Small Entity Fees Apply (subtract ½ of above):		\$515.00
Extension Fees Previously Paid:		\$0.00
<b>TOTAL FEE:</b>		<b>\$515.00</b>

The above-identified fees of \$515.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date January 27, 2011

By /Stephen A. Bent/

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768